

Docket 61538
Serial No. 10/776,723

PATENT APPLICATION

REMARKS

This is in full and timely response to the Office Action on the merits dated January 25, 2005. Reconsideration and reexamination are respectfully requested in view of the foregoing amendments and the following remarks.

By the foregoing amendment, claims 4-6, 11, and 13 have been canceled and claims 1, 12, and 14-18 have been amended. Therefore, claims 1-3, 7-10, 12, and 14-18 remain in this application with claims 1 and 12 being independent.

IN THE CLAIMS:

35 U.S.C. § 112 Rejections:

Claims 7, 11, and 13-18 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. The examiner stated that the word "vacuum" was unclear in claims 7 and 13. "Vacuum" is used here in its ordinary meaning, and the examiner agreed with Justin Poplin (Pat. Reg. No. 53,476) on February 14, 2005 over the telephone that "vacuum" as used here is not indefinite and the 35 U.S.C. § 112 rejections of claims 7 and 13 should be withdrawn. As such, the 35 U.S.C. § 112 rejections of claims 14-18 (which depend from claim 13) should also be withdrawn.

The examiner has indicated that claims 13-18 would be allowable if the rejection of "vacuum" were overcome and claims 13-18 were rewritten in independent form including all of

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the limitations of the base claim and any intervening claims. Accordingly, claim 12 has been amended to include all of the limitations of claim 13, claim 13 has been canceled, and claims 14-18 have been amended to properly depend from claim 12. Therefore, claims 12 and 14-18 should now be in condition for allowance, and such is respectfully requested.

Without admitting the propriety of the current rejection, claim 11 has been canceled.

35 U.S.C. § 102 Rejections:

Claims 1, 3-5, 9, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hammond (US 2,511,161). Claims 1, 3, 7, 9, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hopkins (US 4,719,660). Claims 1, 3, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kim (US 5,357,646). Claims 1-3 and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Virkler (US 5,837,296). Claims 1, 3, 4, 7, and 10-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shultz (US 2,171,606). The examiner has indicated that claim 6 stands objected to as being dependent upon a rejected base claim (i.e. claim 1) but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 1 has been amended to include all of the limitations of claim 6 as well as the limitations of claim 4 which is intervening. Claims 4-6 have been canceled. Therefore, claim 1 should now be in condition for allowance, along with claims 2-3 and 7-10 which depend therefrom, and such is respectfully requested. Claim 11 has been canceled as noted above.

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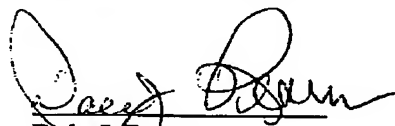
35 U.S.C. § 103 Rejections:

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond (US 2,511,161). Since claim 8 depends from claim 1, which is now in condition for allowance, claim 8 should also be in condition for allowance, and such is respectfully requested.

Conclusion:

This application should now be in condition for allowance and such is respectfully requested. If the examiner has any suggestions that would place this application in even better condition for allowance, she is invited to contact the applicant's representative at the telephone number listed below.

Respectfully Submitted,


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